

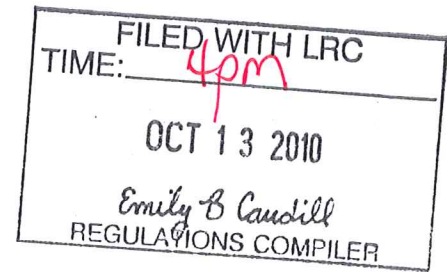
301 KAR 4:050

Swan Lake Unit of Boatwright Wildlife Management Area

This regulation establishes special restrictions on public access and use of the Swan Lake Unit of Boatwright Wildlife Management Area (WMA). This WMA is managed with an emphasis on waterfowl conservation.

Significant Changes

This amendment will effectively open up the area to early season migratory bird hunting.



1 TOURISM, ARTS AND HERITAGE CABINET

2 Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 4:050. Swan Lake Unit of Boatwright Wildlife Management Area [restrictions].

5 RELATES TO: KRS 150.010, 150.015, [~~150.025, 150.300,~~] 150.600[, ~~219.370~~]

6 STATUTORY AUTHORITY: KRS 150.025(1)(g), 150.600(1) [~~KRS 13A.350, 150.025~~]

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(g) authorizes the
8 department to make administrative regulations that apply to a limited area or to the entire state.

9 KRS 150.600(1) authorizes the department to establish waterfowl refuges on public or private
10 lands. This administrative regulation establishes area use restrictions for the Swan Lake Unit of
11 Boatwright Wildlife Management Area.

12 Section 1. Restrictions. (1) The Swan Lake Unit of Boatwright Wildlife Management Area shall
13 be closed to all public access from October 15 through March 15, except for:

14 (a) Authorized personnel from:

15 1. The department; or

16 2. The U.S. Fish and Wildlife Service.

17 (b) Hunters assigned from a daily department quota hunt drawing during the regular waterfowl
18 season, pursuant to 301 KAR 2:222.

19 (2) A person shall not:

20 (a) Have an unleashed pet;

21 (b) Camp except in a designated area;

1 (c) Camp for more than fourteen (14) consecutive days;

2 (d) Camp with a recreational vehicle; or

3 (e) Use a firearm to take frogs. [This administrative regulation is necessary to prescribe
4 appropriate use restrictions for the Swan Lake Unit of Boatwright Wildlife Management Area.
5 Its function is to minimize disturbance of wintering migratory waterfowl and to provide for the
6 protection and maintenance of the property and its associated wildlife.

7 ~~Section 1. Access. The Swan Lake Unit of Boatwright Wildlife Management Area, except such~~
8 ~~portions as are designated wildlife observation areas or opened in other administrative~~
9 ~~regulations, is closed to all public access, including by boat during periods of high water, from~~
10 ~~October 15 through March 15. Only authorized Department or U.S. Fish and Wildlife Service~~
11 ~~employees on official business shall enter the premises during this period.~~

12 ~~Section 2. Hunting Restrictions. (1) Wild turkey. Turkey hunting is prohibited during all fall~~
13 ~~turkey seasons.~~

14 ~~(2) Frogs. Firearms may not be used for hunting frogs.~~

15 ~~(3) Waterfowl hunting is prohibited on the body of water known as Swan Lake.~~

16 ~~Section 3. Dog Training. Dog training is prohibited.~~

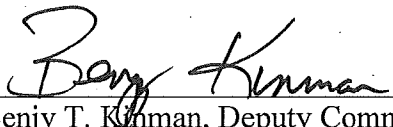
17 ~~Section 4. Camping Restrictions. (1) Location. Camping is restricted to designated areas.~~

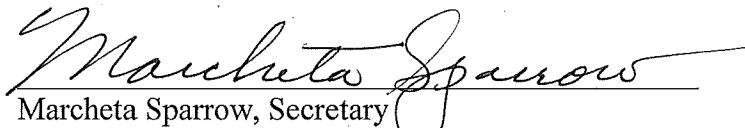
18 ~~(2) Length of time. No one shall camp on this management area for more than fourteen (14)~~
19 ~~consecutive days.~~

20 ~~(3) Pets. All pets in the camping area must be leashed.~~

21 ~~(4) Only primitive camping is permitted. Recreational vehicle camping is prohibited.]~~

Approved by the Fish and Wildlife Commission June 11, 2010.

 10/11/10
Benjy T. Kinman, Deputy Commissioner, for
Dr. Jonathan Gassett, Commissioner
Department of Fish and Wildlife Resources


Marcheta Sparrow, Secretary
Tourism, Arts and Heritage Cabinet

10-12-10
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 22, 2010, at 1 p.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by November 30, 2010.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack
Department of Fish and Wildlife Resources
Arnold L. Mitchell Building
#1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-3400 FAX (502) 564-9136

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 4:050. Swan Lake Unit of Boatwright Wildlife Management Area restrictions.
Contact Person: Rose Mack

(1) Provide a brief summary of:

- (a) What this administrative regulation does: This regulation establishes special restrictions on public access and use of the Swan Lake Unit of Boatwright Wildlife Management Area (WMA). This WMA is managed with an emphasis on waterfowl conservation.
- (b) The necessity of this administrative regulation: This regulation is necessary to provide additional protection for waterfowl species using the area.
- (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025 authorizes the department to make administrative regulations that apply to a limited area, and KRS 150.600 allows the department to establish waterfowl refuges on public lands.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists the department's ability to manage certain species of wildlife by reducing public impact during critical times of the year, which is authorized by statute.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

- (a) How the amendment will change this existing administrative regulation: This amendment will effectively open up the area to early season migratory bird hunting.
- (b) The necessity of the amendment to this administrative regulation: The amendment is necessary to increase public hunting opportunity while still protecting the migratory birds during other critical time periods.
- (c) How the amendment conforms to the content of the authorizing statutes: See 1(c) above.
- (d) How the amendment will assist in the effective administration of the statutes: See 1(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 20,000 waterfowl hunters in Kentucky that may be affected by this regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This amendment will allow the entities in question (3) to participate in early season migratory bird hunting on the Swan Lake Unit.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will not be any additional cost to hunters because of this amendment.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Migratory bird hunters will benefit through increased opportunity to hunt.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be not be an initial change in cost to the Department.

(b) On a continuing basis: There will not be a change in cost to the Department on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase fees or funding because of this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: There will not be any direct or indirect increase of fees.

(9) TIERING: Is tiering applied? (Explain why or why not): Tiering is not applied. The same guidelines and limits apply to all migratory bird hunters.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 301 KAR 4:050

Contact Person: Rose Mack

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes X No _____

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department's Divisions of Wildlife and Law Enforcement will be impacted by this regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. 50 C.F.R. Parts 20 and 21 establish the migratory bird management frameworks that states must operate within.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? It is unlikely that this administrative regulation will generate any new revenue during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? It is unlikely this regulation will generate any new revenue during subsequent years.

(c) How much will it cost to administer this program for the first year? There will not be an additional cost incurred for the first year.

(d) How much will it cost to administer this program for subsequent years? There will not be an additional cost incurred for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None; see 4 (a) and (b) above.

Expenditures (+/-): None; see 4 (c) and (d) above.

Other Explanation: